



Sen. Ira I. Silverstein

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LRB097 16902 MGM 72540 a

1 AMENDMENT TO SENATE BILL 2936

2 AMENDMENT NO. _____. Amend Senate Bill 2936 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The Regulatory Sunset Act is amended by
5 changing Sections 4.23 and 4.33 as follows:

6 (5 ILCS 80/4.23)

7 Sec. 4.23. Section Acts and Sections repealed on January 1,
8 2013. The following Section of an Act is Acts and Sections of
9 Acts are repealed on January 1, 2013:

10 ~~The Dietetic and Nutrition Services Practice Act.~~

11 Section 2.5 of the Illinois Plumbing License Law.

12 (Source: P.A. 96-1499, eff. 1-18-11; 97-706, eff. 6-25-12;
13 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff.
14 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised
15 9-20-12.)

1 (5 ILCS 80/4.33)

2 Sec. 4.33. Acts ~~Act~~ repealed on January 1, 2023. The
3 following Acts are ~~Act is~~ repealed on January 1, 2023:

4 The Dietitian Nutritionist Practice Act.

5 The Elevator Safety and Regulation Act.

6 The Fire Equipment Distributor and Employee Regulation Act
7 of 2011.

8 The Funeral Directors and Embalmers Licensing Code.

9 The Naprapathic Practice Act.

10 The Professional Counselor and Clinical Professional
11 Counselor Licensing and Practice Act.

12 The Wholesale Drug Distribution Licensing Act.

13 (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;
14 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.
15 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

16 Section 2. The Department of Public Health Powers and
17 Duties Law of the Civil Administrative Code of Illinois is
18 amended by changing Section 2310-210 as follows:

19 (20 ILCS 2310/2310-210) (was 20 ILCS 2310/55.62a)

20 Sec. 2310-210. Advisory Panel on Minority Health.

21 (a) In this Section:

22 "Health profession" means any health profession regulated
23 under the laws of this State, including, without limitation,
24 professions regulated under the Illinois Athletic Trainers

1 Practice Act, the Clinical Psychologist Licensing Act, the
2 Clinical Social Work and Social Work Practice Act, the Illinois
3 Dental Practice Act, the Dietitian Nutritionist ~~Dietetic and~~
4 ~~Nutrition Services~~ Practice Act, the Marriage and Family
5 Therapy Licensing Act, the Medical Practice Act of 1987, the
6 Naprapathic Practice Act, the Nurse Practice Act, the Illinois
7 Occupational Therapy Practice Act, the Illinois Optometric
8 Practice Act of 1987, the Illinois Physical Therapy Act, the
9 Physician Assistant Practice Act of 1987, the Podiatric Medical
10 Practice Act of 1987, the Professional Counselor and Clinical
11 Professional Counselor Licensing Act, and the Illinois
12 Speech-Language Pathology and Audiology Practice Act.

13 "Minority" has the same meaning as in Section 2310-215.

14 (b) The General Assembly finds as follows:

15 (1) The health status of individuals from ethnic and
16 racial minorities in this State is significantly lower than
17 the health status of the general population of the State.

18 (2) Minorities suffer disproportionately high rates of
19 cancer, stroke, heart disease, diabetes, sickle-cell
20 anemia, lupus, substance abuse, acquired immune deficiency
21 syndrome, other diseases and disorders, unintentional
22 injuries, and suicide.

23 (3) The incidence of infant mortality among minorities
24 is almost double that for the general population.

25 (4) Minorities suffer disproportionately from lack of
26 access to health care and poor living conditions.

1 (5) Minorities are under-represented in the health
2 care professions.

3 (6) Minority participation in the procurement policies
4 of the health care industry is lacking.

5 (7) Minority health professionals historically have
6 tended to practice in low-income areas and to serve
7 minorities.

8 (8) National experts on minority health report that
9 access to health care among minorities can be substantially
10 improved by increasing the number of minority health
11 professionals.

12 (9) Increasing the number of minorities serving on the
13 facilities of health professional schools is an important
14 factor in attracting minorities to pursue a career in
15 health professions.

16 (10) Retaining minority health professionals currently
17 practicing in this State and those receiving training and
18 education in this State is an important factor in
19 maintaining and increasing the number of minority health
20 professionals in Illinois.

21 (11) An Advisory Panel on Minority Health is necessary
22 to address the health issues affecting minorities in this
23 State.

24 (c) The General Assembly's intent is as follows:

25 (1) That all Illinoisans have access to health care.

26 (2) That the gap between the health status of

1 minorities and other Illinoisans be closed.

2 (3) That the health issues that disproportionately
3 affect minorities be addressed to improve the health status
4 of minorities.

5 (4) That the number of minorities in the health
6 professions be increased.

7 (d) The Advisory Panel on Minority Health is created. The
8 Advisory Panel shall consist of 25 members appointed by the
9 Director of Public Health. The members shall represent health
10 professions and the General Assembly.

11 (e) The Advisory Panel shall assist the Department in the
12 following manner:

13 (1) Examination of the following areas as they relate
14 to minority health:

15 (A) Access to health care.

16 (B) Demographic factors.

17 (C) Environmental factors.

18 (D) Financing of health care.

19 (E) Health behavior.

20 (F) Health knowledge.

21 (G) Utilization of quality care.

22 (H) Minorities in health care professions.

23 (2) Development of monitoring, tracking, and reporting
24 mechanisms for programs and services with minority health
25 goals and objectives.

26 (3) Communication with local health departments,

1 community-based organizations, voluntary health
2 organizations, and other public and private organizations
3 statewide, on an ongoing basis, to learn more about their
4 services to minority communities, the health problems of
5 minority communities, and their ideas for improving
6 minority health.

7 (4) Promotion of communication among all State
8 agencies that provide services to minority populations.

9 (5) Building coalitions between the State and
10 leadership in minority communities.

11 (6) Encouragement of recruitment and retention of
12 minority health professionals.

13 (7) Improvement in methods for collecting and
14 reporting data on minority health.

15 (8) Improvement in accessibility to health and medical
16 care for minority populations in under-served rural and
17 urban areas.

18 (9) Reduction of communication barriers for
19 non-English speaking residents.

20 (10) Coordination of the development and dissemination
21 of culturally appropriate and sensitive education
22 material, public awareness messages, and health promotion
23 programs for minorities.

24 (f) On or before January 1, 1997 the Advisory Panel shall
25 submit an interim report to the Governor and the General
26 Assembly. The interim report shall include an update on the

1 Advisory Panel's progress in performing its functions under
2 this Section and shall include recommendations, including
3 recommendations for any necessary legislative changes.

4 On or before January 1, 1998 the Advisory Panel shall
5 submit a final report to the Governor and the General Assembly.
6 The final report shall include the following:

7 (1) An evaluation of the health status of minorities in
8 this State.

9 (2) An evaluation of minority access to health care in
10 this State.

11 (3) Recommendations for improving the health status of
12 minorities in this State.

13 (4) Recommendations for increasing minority access to
14 health care in this State.

15 (5) Recommendations for increasing minority
16 participation in the procurement policies of the health
17 care industry.

18 (6) Recommendations for increasing the number of
19 minority health professionals in this State.

20 (7) Recommendations that will ensure that the health
21 status of minorities in this State continues to be
22 addressed beyond the expiration of the Advisory Panel.

23 (Source: P.A. 95-639, eff. 10-5-07.)

24 Section 3. The Illinois Insurance Code is amended by
25 changing Section 356w as follows:

1 (215 ILCS 5/356w)

2 Sec. 356w. Diabetes self-management training and
3 education.

4 (a) A group policy of accident and health insurance that is
5 amended, delivered, issued, or renewed after the effective date
6 of this amendatory Act of 1998 shall provide coverage for
7 outpatient self-management training and education, equipment,
8 and supplies, as set forth in this Section, for the treatment
9 of type 1 diabetes, type 2 diabetes, and gestational diabetes
10 mellitus.

11 (b) As used in this Section:

12 "Diabetes self-management training" means instruction in
13 an outpatient setting which enables a diabetic patient to
14 understand the diabetic management process and daily
15 management of diabetic therapy as a means of avoiding frequent
16 hospitalization and complications. Diabetes self-management
17 training shall include the content areas listed in the National
18 Standards for Diabetes Self-Management Education Programs as
19 published by the American Diabetes Association, including
20 medical nutrition therapy and education programs, as defined by
21 the contract of insurance, that allow the patient to maintain
22 an A1c level within the range identified in nationally
23 recognized standards of care.

24 "Medical nutrition therapy" shall have the meaning
25 ascribed to that term ~~"medical nutrition care"~~ in the Dietitian

1 Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act.

2 "Physician" means a physician licensed to practice
3 medicine in all of its branches providing care to the
4 individual.

5 "Qualified provider" for an individual that is enrolled in:

6 (1) a health maintenance organization that uses a
7 primary care physician to control access to specialty care
8 means (A) the individual's primary care physician licensed
9 to practice medicine in all of its branches, (B) a
10 physician licensed to practice medicine in all of its
11 branches to whom the individual has been referred by the
12 primary care physician, or (C) a certified, registered, or
13 licensed network health care professional with expertise
14 in diabetes management to whom the individual has been
15 referred by the primary care physician.

16 (2) an insurance plan means (A) a physician licensed to
17 practice medicine in all of its branches or (B) a
18 certified, registered, or licensed health care
19 professional with expertise in diabetes management to whom
20 the individual has been referred by a physician.

21 (c) Coverage under this Section for diabetes
22 self-management training, including medical nutrition
23 education, shall be limited to the following:

24 (1) Up to 3 medically necessary visits to a qualified
25 provider upon initial diagnosis of diabetes by the
26 patient's physician or, if diagnosis of diabetes was made

1 within one year prior to the effective date of this
2 amendatory Act of 1998 where the insured was a covered
3 individual, up to 3 medically necessary visits to a
4 qualified provider within one year after that effective
5 date.

6 (2) Up to 2 medically necessary visits to a qualified
7 provider upon a determination by a patient's physician that
8 a significant change in the patient's symptoms or medical
9 condition has occurred. A "significant change" in
10 condition means symptomatic hyperglycemia (greater than
11 250 mg/dl on repeated occasions), severe hypoglycemia
12 (requiring the assistance of another person), onset or
13 progression of diabetes, or a significant change in medical
14 condition that would require a significantly different
15 treatment regimen.

16 Payment by the insurer or health maintenance organization
17 for the coverage required for diabetes self-management
18 training pursuant to the provisions of this Section is only
19 required to be made for services provided. No coverage is
20 required for additional visits beyond those specified in items
21 (1) and (2) of this subsection.

22 Coverage under this subsection (c) for diabetes
23 self-management training shall be subject to the same
24 deductible, co-payment, and co-insurance provisions that apply
25 to coverage under the policy for other services provided by the
26 same type of provider.

1 (d) Coverage shall be provided for the following equipment
2 when medically necessary and prescribed by a physician licensed
3 to practice medicine in all of its branches. Coverage for the
4 following items shall be subject to deductible, co-payment and
5 co-insurance provisions provided for under the policy or a
6 durable medical equipment rider to the policy:

- 7 (1) blood glucose monitors;
- 8 (2) blood glucose monitors for the legally blind;
- 9 (3) cartridges for the legally blind; and
- 10 (4) lancets and lancing devices.

11 This subsection does not apply to a group policy of
12 accident and health insurance that does not provide a durable
13 medical equipment benefit.

14 (e) Coverage shall be provided for the following
15 pharmaceuticals and supplies when medically necessary and
16 prescribed by a physician licensed to practice medicine in all
17 of its branches. Coverage for the following items shall be
18 subject to the same coverage, deductible, co-payment, and
19 co-insurance provisions under the policy or a drug rider to the
20 policy:

- 21 (1) insulin;
- 22 (2) syringes and needles;
- 23 (3) test strips for glucose monitors;
- 24 (4) FDA approved oral agents used to control blood
25 sugar; and
- 26 (5) glucagon emergency kits.

1 This subsection does not apply to a group policy of
2 accident and health insurance that does not provide a drug
3 benefit.

4 (f) Coverage shall be provided for regular foot care exams
5 by a physician or by a physician to whom a physician has
6 referred the patient. Coverage for regular foot care exams
7 shall be subject to the same deductible, co-payment, and
8 co-insurance provisions that apply under the policy for other
9 services provided by the same type of provider.

10 (g) If authorized by a physician, diabetes self-management
11 training may be provided as a part of an office visit, group
12 setting, or home visit.

13 (h) This Section shall not apply to agreements, contracts,
14 or policies that provide coverage for a specified diagnosis or
15 other limited benefit coverage.

16 (Source: P.A. 97-281, eff. 1-1-12.)

17 Section 5. The Dietetic and Nutrition Services Practice Act
18 is amended by changing Sections 1, 10, 15, 15.5, 20, 30, 37,
19 45, 65, 70, 80, 85, 95, 97, 100, 105, 110, 115, 120, 125, 130,
20 135, 140, 145, 155, 165, 175, and 180 and by adding Section 108
21 as follows:

22 (225 ILCS 30/1) (from Ch. 111, par. 8401-1)

23 (Section scheduled to be repealed on January 1, 2013)

24 Sec. 1. Short title. This Act may be cited as the Dietitian

1 Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act.

2 (Source: P.A. 87-784.)

3 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

4 (Section scheduled to be repealed on January 1, 2013)

5 Sec. 10. Definitions. As used in this Act:

6 "Address of record" means the designated address recorded
7 by the Department in the applicant's or licensee's application
8 file or license file as maintained by the Department's
9 licensure maintenance unit. It is the duty of the applicant or
10 licensee to inform the Department of any change of address and
11 those changes must be made either through the Department's
12 website or by contacting the Department.

13 "Board" means the Dietitian Nutritionist Practice Board
14 appointed by the Secretary ~~Director~~.

15 "Certified clinical nutritionist" means an individual
16 certified by the Clinical Nutrition Certification Board.

17 "Certified nutrition specialist" means an individual
18 certified by the Certification Board of Nutrition Specialists.

19 "Department" means the Department of Financial and
20 Professional Regulation.

21 "Dietetics and nutrition services" means the integration
22 and application of principles derived from the sciences of food
23 and nutrition to provide for all aspects of nutrition care for
24 individuals and groups, including, but not limited to:

25 (1) nutrition counseling; "nutrition counseling" means

1 advising and assisting individuals or groups on
2 appropriate nutrition intake by integrating information
3 from the nutrition assessment;

4 (2) nutrition assessment; "nutrition assessment" means
5 the evaluation of the nutrition needs of individuals or
6 groups using appropriate data to determine nutrient needs
7 or status and make appropriate nutrition recommendations;

8 (3) medically prescribed diet; "medically prescribed
9 diet" means a diet prescribed when specific food or
10 nutrient levels need to be monitored, altered, or both as a
11 component of a treatment program for an individual whose
12 health status is impaired or at risk due to disease,
13 injury, or surgery and may only be performed as initiated
14 by or in consultation with a physician licensed to practice
15 medicine in all of its branches;

16 (4) medical nutrition therapy; "medical nutrition
17 therapy" means the component of nutrition care that deals
18 with:

19 (A) interpreting and recommending nutrient needs
20 relative to medically prescribed diets, including, but
21 not limited to, enteral feedings, specialized
22 intravenous solutions, and specialized oral feedings;

23 (B) food and prescription drug interactions; and

24 (C) developing and managing food service
25 operations whose chief function is nutrition care and
26 provision of medically prescribed diets;

1 (5) nutrition services for individuals and groups;
2 "nutrition services for individuals and groups" includes,
3 but is not limited to, all of the following:

4 (A) providing nutrition assessments relative to
5 preventive maintenance or restorative care;

6 (B) providing nutrition education and nutrition
7 counseling as components of preventive maintenance or
8 restorative care; and

9 (C) developing and managing systems whose chief
10 function is nutrition care; nutrition services for
11 individuals and groups does not include medical
12 nutrition therapy as defined in this Act; and

13 (6) restorative; "restorative" means the component of
14 nutrition care that deals with oral dietary needs for
15 individuals and groups; activities shall relate to the
16 metabolism of food and the requirements for nutrients,
17 including dietary supplements for growth, development,
18 maintenance, or attainment of optimal health.

19 ~~"Dietetics" means the integration and application of~~
20 ~~principles derived from the sciences of food and nutrition to~~
21 ~~provide for all aspects of nutrition care for individuals and~~
22 ~~groups, including, but not limited to nutrition services and~~
23 ~~medical nutrition therapy as defined in this Act.~~

24 "Diplomate of the American Clinical Board of Nutrition"
25 means an individual certified by the American Clinical Board of
26 Nutrition.

1 ~~"Director" means the Director of the Department of~~
2 ~~Professional Regulation.~~

3 "Licensed dietitian nutritionist" means a person licensed
4 under this Act to practice dietetics and nutrition services, as
5 defined in this Section ~~including medical nutrition therapy.~~
6 Activities of a licensed dietitian nutritionist do not include
7 the medical differential diagnosis of the health status of an
8 individual.

9 ~~"Medical nutrition therapy" means the component of~~
10 ~~nutrition care that deals with:~~

11 ~~(a) interpreting and recommending nutrient needs~~
12 ~~relative to medically prescribed diets, including, but not~~
13 ~~limited to tube feedings, specialized intravenous~~
14 ~~solutions, and specialized oral feedings;~~

15 ~~(b) food and prescription drug interactions; and~~

16 ~~(c) developing and managing food service operations~~
17 ~~whose chief function is nutrition care and provision of~~
18 ~~medically prescribed diets.~~

19 ~~"Medically prescribed diet" means a diet prescribed when~~
20 ~~specific food or nutrient levels need to be monitored, altered,~~
21 ~~or both as a component of a treatment program for an individual~~
22 ~~whose health status is impaired or at risk due to disease,~~
23 ~~injury, or surgery and may only be performed as initiated by or~~
24 ~~in consultation with a physician licensed to practice medicine~~
25 ~~in all of its branches.~~

26 ~~"Nutrition assessment" means the evaluation of the~~

1 ~~nutrition needs of individuals or groups using appropriate data~~
2 ~~to determine nutrient needs or status and make appropriate~~
3 ~~nutrition recommendations.~~

4 ~~"Nutrition counseling" means advising and assisting~~
5 ~~individuals or groups on appropriate nutrition intake by~~
6 ~~integrating information from the nutrition assessment.~~

7 ~~"Nutrition services for individuals and groups" shall~~
8 ~~include, but is not limited to, all of the following;~~

9 ~~(a) Providing nutrition assessments relative to~~
10 ~~preventive maintenance or restorative care.~~

11 ~~(b) Providing nutrition education and nutrition~~
12 ~~counseling as components of preventive maintenance or~~
13 ~~restorative care.~~

14 ~~(c) Developing and managing systems whose chief~~
15 ~~function is nutrition care. Nutrition services for~~
16 ~~individuals and groups does not include medical nutrition~~
17 ~~therapy as defined in this Act.~~

18 "Practice experience" means a preprofessional, documented,
19 supervised practice in dietetics or nutrition services that is
20 acceptable to the Department in compliance with requirements
21 for licensure, as specified in Section ~~Sections~~ 45 and ~~50~~. It
22 may be or may include a documented, supervised practice
23 experience which is a component of the educational requirements
24 for licensure, as specified in Section 45 ~~or 50~~.

25 "Registered dietitian" means an individual registered with
26 the Commission on Dietetic Registration, the accrediting body

1 of the Academy of Nutrition and Dietetics, formerly known as
2 ~~for~~ the American Dietetic Association.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 ~~"Restorative" means the component of nutrition care that~~
6 ~~deals with oral dietary needs for individuals and groups.~~
7 ~~Activities shall relate to the metabolism of food and the~~
8 ~~requirements for nutrients, including dietary supplements for~~
9 ~~growth, development, maintenance, or attainment of optimal~~
10 ~~health.~~

11 (Source: P.A. 92-642, eff. 10-31-03.)

12 (225 ILCS 30/15) (from Ch. 111, par. 8401-15)

13 (Section scheduled to be repealed on January 1, 2013)

14 Sec. 15. License required.

15 (a) No person may engage for remuneration in the practice
16 of dietetics and nutrition services ~~nutrition services~~
17 ~~practice~~ or hold himself or herself out as a licensed dietitian
18 nutritionist unless the person is licensed in accordance with
19 this Act. ~~or meets one or more of the following criteria:~~

20 (b) This Section does not prohibit the practice of
21 dietetics and nutrition services by the following:

22 (1) ~~A~~ The person is licensed in this State under any
23 ~~other Act that authorizes the person to provide these~~
24 ~~services.~~ (2) ~~The person~~ that is licensed to practice
25 nutrition under the law of another state, territory of the

1 United States, or country and has applied in writing to the
2 Department in form and substance satisfactory to the
3 Department for a license as a dietitian nutritionist until
4 (i) the expiration of 6 months after filing the written
5 application, (ii) the withdrawal of the application, or
6 (iii) the denial of the application by the Department.

7 ~~(b) No person shall practice dietetics, as defined in this~~
8 ~~Act, or hold himself or herself out as a licensed dietitian~~
9 ~~nutritionist unless that person is so licensed under this Act~~
10 ~~or meets one or more of the following criteria:~~

11 ~~(1) The person is licensed in this State under any~~
12 ~~other Act that authorizes the person to provide these~~
13 ~~services.~~

14 ~~(2) The person is a dietary technical support person,~~
15 ~~working in a hospital setting or a regulated Department of~~
16 ~~Public Health or Department on Aging facility or program,~~
17 ~~who has been trained and is supervised while engaged in the~~
18 ~~practice of dietetics by a licensed dietitian nutritionist~~
19 ~~in accordance with this Act and whose services are retained~~
20 ~~by that facility or program on a full time or regular,~~
21 ~~ongoing consultant basis.~~

22 (2) A ~~(3)~~ The person that is licensed to practice
23 dietetics under the law of another state, territory of the
24 United States, or country, or is a certified nutrition
25 specialist, a certified clinical nutritionist, a diplomate
26 of the American Clinical Board of Nutrition, or a

1 registered dietitian, who has applied in writing to the
2 Department in form and substance satisfactory to the
3 Department for a license as a dietitian nutritionist until
4 (i) the expiration of 6 months after the filing the written
5 application, (ii) the withdrawal of the application, or
6 (iii) the denial of the application by the Department.

7 ~~(c) No person shall practice dietetics or nutrition~~
8 ~~services, as defined in this Act, or hold himself or herself~~
9 ~~out as a licensed dietitian nutritionist, a dietitian, a~~
10 ~~nutritionist, or a nutrition counselor unless the person is~~
11 ~~licensed in accordance with this Act.~~

12 (Source: P.A. 92-642, eff. 10-31-03.)

13 (225 ILCS 30/15.5)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 15.5. Unlicensed practice; violation; civil penalty.

16 (a) Any person who practices, offers to practice, attempts
17 to practice, or holds oneself out as being able to provide
18 ~~practice~~ dietetics and ~~or~~ nutrition services without being
19 licensed under this Act shall, in addition to any other penalty
20 provided by law, pay a civil penalty to the Department in an
21 amount not to exceed \$10,000 ~~\$5,000~~ for each offense as
22 determined by the Department. The civil penalty shall be
23 assessed by the Department after a hearing is held in
24 accordance with the provisions set forth in this Act regarding
25 the provision of a hearing for the discipline of a licensee.

1 (b) The Department has the authority and power to
2 investigate any and all unlicensed activity.

3 (c) The civil penalty shall be paid within 60 days after
4 the effective date of the order imposing the civil penalty. The
5 order shall constitute a judgment and may be filed and
6 execution had thereon in the same manner as any judgment from
7 any court of record.

8 (Source: P.A. 92-642, eff. 10-31-03.)

9 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 20. Exemptions. This Act does not prohibit or
12 restrict:

13 (a) Any person licensed in this State under any other Act
14 from engaging in the practice for which he or she is licensed.

15 (b) The practice of dietetics and ~~or~~ nutrition services by
16 a person who is employed by the United States or State
17 government or any of its bureaus, divisions, or agencies while
18 in the discharge of the employee's official duties.

19 (c) The practice of dietetics and nutrition services by a
20 person employed as a cooperative extension home economist, to
21 the extent the activities are part of his or her employment.

22 (d) The practice of dietetics and nutrition services ~~or~~
23 ~~dietetics~~ by a person pursuing a course of study leading to a
24 degree in dietetics, nutrition, or an equivalent major, ~~as~~
25 ~~authorized by the Department,~~ from a regionally accredited

1 school or program, if the activities and services constitute a
2 part of a supervised course of study and if the person is
3 designated by a title that clearly indicates the person's
4 status as a student or trainee.

5 (e) The practice of dietetics and nutrition services ~~or~~
6 ~~dietetics~~ by a person fulfilling the supervised practice
7 experience component of Section ~~Sections~~ 45 ~~or 50~~, if the
8 activities and services constitute a part of the experience
9 necessary to meet the requirements of Section 45 ~~or 50~~.

10 (f) A person, including a licensed acupuncturist, from:

11 (1) providing oral nutrition information as an
12 operator or employee of a health food store or business
13 that sells health products, including dietary supplements,
14 food, or food materials; or ~~or~~

15 (2) disseminating written nutrition information in
16 connection with the marketing and distribution of those
17 products, or discussing the use of those products, both
18 individually and as components of nutritional programs,
19 including explanations of their federally regulated label
20 claims, any known drug-nutrient interactions, their role
21 in various diets, or suggestions as how to best use and
22 combine them.

23 (g) The practice of dietetics and nutrition services by an
24 educator who is in the employ of a nonprofit organization; ~~as~~
25 ~~authorized by the Department,~~ a federal, state, county, or
26 municipal agency, or other political subdivision; an

1 elementary or secondary school; or a regionally accredited
2 institution of higher education, as long as the activities and
3 services of the educator are part of his or her employment.

4 (h) The practice of dietetics and nutrition services by any
5 person who provides weight control services, provided the
6 nutrition program has been reviewed by, consultation is
7 available from, and no program change can be initiated without
8 prior approval by an individual licensed under this Act, an
9 individual licensed to practice dietetics or nutrition
10 services in another state that has licensure requirements
11 considered by the Department to be at least as stringent as the
12 requirements for licensure under this Act, or a registered
13 dietitian.

14 (i) The practice of dietetics and nutrition services ~~or~~
15 ~~dietetics~~ by any person with a masters or doctorate degree with
16 a major in nutrition or equivalent from a regionally accredited
17 school recognized by the Department for the purpose of
18 education and research.

19 (j) A person from providing recommendations, advice, or
20 nutrition information or encouragement of healthy eating
21 choices that does not include the provision of medical
22 nutrition therapy as defined in this Act, or from providing
23 encouragement for compliance with a customized nutrition plan
24 prepared by a licensed dietitian nutritionist or any other
25 licensed professional whose scope of practice includes
26 nutrition assessment and counseling. ~~Any person certified in~~

1 ~~this State and who is employed by a facility or program~~
2 ~~regulated by the State of Illinois from engaging in the~~
3 ~~practice for which he or she is certified and authorized by the~~
4 ~~Department.~~

5 (k) The practice of dietetics and nutrition services by a
6 graduate of a 2 year associate program or a 4 year
7 baccalaureate program from a school or program accredited at
8 the time of graduation by the appropriate accrediting agency
9 recognized by the Council on Higher Education Accreditation and
10 the United States Department of Education with a major in human
11 nutrition, food and nutrition or its equivalent, as authorized
12 by the Department, who is directly supervised by an individual
13 licensed under this Act.

14 (l) Providing nutrition information as an employee of a
15 nursing facility operated exclusively by and for those relying
16 upon spiritual means through prayer alone for healing in
17 accordance with the tenets and practices of a recognized church
18 or religious denomination.

19 (m) A dietary technical support person working in a
20 hospital setting or a regulated Department of Public Health or
21 Department on Aging facility or program who has been trained
22 and is supervised while engaged in the practice of dietetics by
23 a licensed dietitian nutritionist in accordance with this Act
24 and whose services are retained by that facility or program on
25 a full-time or regular, ongoing consultant basis.

26 The provisions of this Act shall not be construed to

1 prohibit or limit any person from the free dissemination of
2 information, from conducting a class or seminar, or from giving
3 a speech related to nutrition if that person does not hold
4 himself or herself out as a licensed dietitian nutritionist
5 ~~nutrition counselor or licensed dietitian~~ in a manner
6 prohibited by Section 15.

7 (Source: P.A. 92-642, eff. 10-31-03.)

8 (225 ILCS 30/30) (from Ch. 111, par. 8401-30)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 30. Dietitian Nutritionist Practice Board. The
11 Secretary ~~Director~~ shall appoint a Dietitian Nutritionist
12 Practice Board as follows: 7 individuals who shall be appointed
13 by and shall serve in an advisory capacity to the Secretary
14 ~~Director~~. Of these 7 individuals, 6 ~~4~~ members must be licensed
15 under this Act, 2 of which must be a registered dietitian and 2
16 of which must be either a certified clinical nutritionist, a
17 certified nutrition specialist, or a diplomate of the American
18 Clinical Board of Nutrition, ~~; one member must be a physician~~
19 ~~licensed to practice medicine in all of its branches; one~~
20 ~~member must be a licensed professional nurse;~~ and one member
21 must be a public member not licensed under this Act.

22 Members shall serve 3-year ~~3-year~~ terms and until their
23 successors are appointed and qualified, ~~except the terms of the~~
24 ~~initial appointments~~. No member shall be reappointed to the
25 Board for a term that would cause his or her continuous service

1 on the Board to be longer than 8 years. Appointments to fill
2 vacancies shall be made in the same manner as original
3 appointments, for the unexpired portion of the vacated term.
4 ~~Initial terms shall begin upon the effective date of this Act~~
5 ~~and Board members in office on that date shall be appointed to~~
6 ~~specific terms as indicated in this Section.~~

7 Insofar as possible, the licensed professionals appointed
8 to serve on the Board shall be generally representative of the
9 geographical distribution of licensed professionals within ~~The~~
10 ~~membership of the Board shall reasonably represent all the~~
11 ~~geographic areas in this State. Any time there is a vacancy on~~
12 ~~the Board, any professional association composed of persons~~
13 ~~licensed under this Act may recommend licensees to fill the~~
14 ~~vacancy to the Board for the appointment of licensees, the~~
15 ~~organization representing the largest number of licensed~~
16 ~~physicians for the appointment of physicians to the Board, and~~
17 ~~the organization representing the largest number of licensed~~
18 ~~professional nurses for the appointment of a nurse to the~~
19 ~~Board.~~

20 A vacancy in the membership of the Board shall not impair
21 the right of a quorum to exercise all the rights and perform
22 all the duties of the Board.

23 Members of the Board shall have no liability in any action
24 based upon any disciplinary proceeding or other activity
25 performed in good faith as members of the Board.

26 The Secretary ~~Director~~ shall have the authority to remove

1 or suspend any member of the Board for cause at any time before
2 the expiration of his or her term. The Secretary shall be the
3 sole arbiter of cause ~~from office for neglect of any duty~~
4 ~~required by law or for incompetency or unprofessional or~~
5 ~~dishonorable conduct.~~

6 The Secretary ~~Director~~ shall consider the recommendation
7 of the Board on questions of standards of professional conduct,
8 discipline, and qualifications of candidates or licensees
9 under this Act.

10 (Source: P.A. 92-642, eff. 10-31-03.)

11 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 45. Dietitian nutritionist; qualifications. A person
14 shall be qualified for licensure as a dietitian nutritionist if
15 that person meets all of the following requirements:

16 (a) Has applied in writing in form and substance acceptable
17 to the Department and possesses a baccalaureate degree or post
18 baccalaureate degree in human nutrition, foods and nutrition,
19 dietetics, food systems management, nutrition education,
20 nutrition, nutrition science, clinical nutrition, applied
21 clinical nutrition, nutrition counseling, nutrition and
22 functional medicine, nutrition and integrative health, or an
23 equivalent major course of study as recommended by the Board
24 and approved by the Department from a school or program
25 accredited at the time of graduation from the appropriate

1 regional accrediting agency recognized by the Council on Higher
2 Education Accreditation and the United States Department of
3 Education.

4 (b) Has successfully completed an ~~the~~ examination
5 authorized by the Department which may be or may include
6 examinations ~~an examination~~ given by each of the American
7 Clinical Board of Nutrition, the Certification Board of
8 Nutrition Specialists, the Clinical Nutrition Certification
9 Board, and the Commission on Dietetic Registration, or another
10 examination approved by the Department.

11 The Department shall establish by rule a waiver of the
12 examination requirement to applicants who, at the time of
13 application, are acknowledged to be certified clinical
14 nutritionists by the Clinical Nutrition Certification Board,
15 certified nutrition specialists by the Certification Board of
16 Nutrition Specialists, diplomates of the American Clinical
17 Board of Nutrition, or registered dietitians by the Commission
18 on Dietetic Registration and who are in compliance with other
19 qualifications as included in the Act.

20 (c) Has completed a dietetic internship or documented,
21 supervised practice experience in dietetics and nutrition
22 services of not less than 900 hours under the supervision of a
23 certified clinical nutritionist, certified nutrition
24 specialist, diplomate of the American Clinical Board of
25 Nutrition, registered dietitian or a licensed dietitian
26 nutritionist, a State licensed healthcare practitioner, or an

1 individual with a doctoral degree conferred by a U.S.
2 regionally accredited college or university with a major course
3 of study in human nutrition, nutrition education, food and
4 nutrition, dietetics, ~~or~~ food systems management, nutrition,
5 nutrition science, clinical nutrition, applied clinical
6 nutrition, nutrition counseling, nutrition and functional
7 medicine, or nutrition and integrative health. Supervised
8 practice experience must be completed in the United States or
9 its territories. Supervisors who obtained their doctoral
10 degree outside the United States and its territories must have
11 their degrees validated as equivalent to the doctoral degree
12 conferred by a U.S. regionally accredited college or
13 university.

14 (Source: P.A. 92-642, eff. 10-31-03.)

15 (225 ILCS 30/65) (from Ch. 111, par. 8401-65)

16 (Section scheduled to be repealed on January 1, 2013)

17 Sec. 65. Expiration and renewal dates. The expiration date
18 and renewal period for each license issued under this Act shall
19 be set by rule.

20 ~~As a condition for renewal of a license that expires on~~
21 ~~October 31, 2003, a licensed nutrition counselor shall be~~
22 ~~required to complete and submit to the Department proof of 30~~
23 ~~hours of continuing education in dietetics or nutrition~~
24 ~~services during the 24 months preceding the expiration date of~~
25 ~~the license in accordance with rules established by the~~

1 ~~Department. A minimum of 24 hours of the required 30 hours of~~
2 ~~continuing education shall be in medical nutrition therapy,~~
3 ~~which shall include diet therapy, medical dietetics, clinical~~
4 ~~nutrition, or the equivalent, as provided by continuing~~
5 ~~education sponsors approved by the Department. The Department~~
6 ~~may adopt rules to implement this Section.~~

7 As a condition for renewal of a license, the licensee shall
8 be required to complete ~~30 hours of~~ continuing education in
9 dietetics or nutrition services ~~during the 24 months preceding~~
10 ~~the expiration date of the license~~ in accordance with rules
11 established by the Department. ~~The continuing education shall~~
12 ~~be in courses approved by the Commission on Dietetic~~
13 ~~Registration or in courses taken from a sponsor approved by the~~
14 ~~Department. A sponsor shall be required to file an application,~~
15 ~~meet the requirements set forth in the rules of the Department,~~
16 ~~and pay the appropriate fee. The requirements for continuing~~
17 ~~education may be waived, in whole or in part, in cases of~~
18 ~~extreme hardship as defined by rule of the Department. The~~
19 ~~Department shall provide an orderly process for the~~
20 ~~reinstatement of licenses that have not been renewed due to the~~
21 ~~failure to meet the continuing education requirements of this~~
22 ~~Section.~~

23 ~~Any person who has permitted his or her license to expire~~
24 ~~or who has had his or her license on inactive status may have~~
25 ~~the license restored by submitting an application to the~~
26 ~~Department, meeting continuing education requirements, and~~

1 ~~filing proof acceptable with the Department of fitness to have~~
2 ~~the license restored, which may include sworn evidence~~
3 ~~certifying to active practice in another jurisdiction~~
4 ~~satisfactory to the Department and by paying the required~~
5 ~~restoration fee.~~

6 ~~If the person has not maintained an active practice in~~
7 ~~another jurisdiction satisfactory to the Department, the~~
8 ~~Department shall determine, by an evaluation program~~
9 ~~established by rule, his or her fitness to resume active status~~
10 ~~and may require the person to complete a period of evaluated~~
11 ~~professional experience and may require successful completion~~
12 ~~of a practical examination.~~

13 ~~Any person, however, whose license expired while (i) in~~
14 ~~Federal Service on active duty with the Armed Forces of the~~
15 ~~United States, or called into service or training with the~~
16 ~~State Militia, or (ii) in training or education under the~~
17 ~~supervision of the United States preliminary to induction into~~
18 ~~the military service may have his or her license restored~~
19 ~~without paying any lapsed renewal fees if within 2 years after~~
20 ~~honorable termination of the service, training, or education he~~
21 ~~or she furnishes the Department with satisfactory evidence to~~
22 ~~the effect that he or she has been so engaged and that the~~
23 ~~service, training or education has been terminated.~~

24 (Source: P.A. 92-642, eff. 7-11-02.)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 70. Inactive status; restoration; military service.

3 (a) Any person who notifies the Department in writing on
4 forms prescribed by the Department may elect to place his or
5 her license on an inactive status and shall, subject to rules
6 of the Department, be excused from payment of renewal fees
7 until he or she notifies the Department in writing of the
8 desires to resume active status.

9 (b) A licensee who has permitted his or her license to
10 expire or who has had his or her license on inactive status may
11 have the license restored by making application to the
12 Department by filing proof acceptable to the Department of his
13 or her fitness to have the license restored and by paying the
14 required fees. Proof of fitness may include sworn evidence
15 certifying to active lawful practice in another jurisdiction.
16 If the licensee has not maintained an active practice in
17 another jurisdiction satisfactory to the Department, then the
18 Department shall determine, by an evaluation program
19 established by rule, his or her fitness for restoration of the
20 license and shall establish procedures and requirements for
21 restoration.

22 (c) A licensee whose license expired while he or she was
23 (1) in federal service on active duty with the Armed Forces of
24 the United States or the State Militia called into service or
25 training or (2) in training or education under the supervision
26 of the United States before induction into the military

1 service, may have the license restored without paying any
2 lapsed renewal fees if within 2 years after honorable
3 termination of the service, training, or education he or she
4 furnishes the Department with satisfactory evidence to the
5 effect that he or she has been so engaged and that his or her
6 service, training, or education has been so terminated.

7 (d) Any person requesting restoration from inactive status
8 shall be required to pay the current renewal fee, shall meet
9 continuing education requirements, and shall be required to
10 restore his or her license as provided in Section 65 of this
11 Act.

12 (e) A person licensed under this Act whose license is on
13 inactive status or in a non-renewed status shall not engage in
14 the practice of dietetics or nutrition services in the State of
15 Illinois or use the title or advertise that he or she performs
16 the services of a licensed dietitian nutritionist.

17 (f) Any person violating this Section shall be considered
18 to be practicing without a license and will be subject to the
19 disciplinary provisions of this Act.

20 (Source: P.A. 92-642, eff. 10-31-03.)

21 (225 ILCS 30/80) (from Ch. 111, par. 8401-80)

22 (Section scheduled to be repealed on January 1, 2013)

23 Sec. 80. Use of title; advertising. Only a person who is
24 issued a license as a dietitian nutritionist under this Act may
25 use the words "dietitian nutritionist", "dietitian", "licensed

1 nutritionist", or "nutrition counselor" or the letters
2 "L.D.N." in connection with his or her name.

3 ~~A person who meets the additional criteria for registration~~
4 ~~by the Commission on Dietetic Registration for the American~~
5 ~~Dietetic Association may assume or use the title or designation~~
6 ~~"Registered Dietitian" or "Registered Dietician" or use the~~
7 ~~letters "R.D." or any words, letters, abbreviations, or~~
8 ~~insignia indicating that the person is a registered dietitian.~~

9 ~~Any person who meets the additional criteria for~~
10 ~~certification by the Clinical Nutrition Certification Board of~~
11 ~~the International and American Associations of Clinical~~
12 ~~Nutritionists may assume or use the title or designation~~
13 ~~"Certified Clinical Nutritionist" or use the letters "C.C.N."~~
14 ~~or any words, letters, abbreviations, or insignia indicating~~
15 ~~that the person is a certified clinical nutritionist.~~

16 ~~Any person who meets the additional criteria for~~
17 ~~certification by the Certification Board of Nutrition~~
18 ~~Specialists may assume or use the title or designation~~
19 ~~"Certified Nutrition Specialist", or use the letters "C.N.S."~~
20 ~~or any words, letters, abbreviations, or insignia indicating~~
21 ~~that the person is a certified nutrition specialist.~~

22 A licensee shall include in every advertisement for
23 services regulated under this Act his or her title as it
24 appears on the license or the initials authorized under this
25 Act. Advertisements shall not include false, fraudulent,
26 deceptive, or misleading material or guarantees of success.

1 (Source: P.A. 92-642, eff. 10-31-03.)

2 (225 ILCS 30/85) (from Ch. 111, par. 8401-85)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 85. Fees. The Department shall provide by rule for a
5 schedule of fees for the administration and enforcement of this
6 Act, including, but not limited to, original licensure,
7 registration, renewal, and restoration. The fees shall be
8 nonrefundable.

9 All fees, fines, and penalties collected under this Act
10 shall be deposited into the General Professions Dedicated Fund
11 and shall be appropriated to the Department for the ordinary
12 and contingent expenses of the Department in the administration
13 of this Act.

14 (Source: P.A. 91-454, eff. 1-1-00.)

15 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

16 (Section scheduled to be repealed on January 1, 2013)

17 Sec. 95. Grounds for discipline.

18 (1) The Department may refuse to issue or renew, or may
19 revoke, suspend, place on probation, reprimand, or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem appropriate ~~proper~~, including imposing fines not to exceed
22 \$10,000 ~~\$1000~~ for each violation, with regard to any license or
23 certificate for any one or combination of the following causes:

24 (a) Material misstatement in furnishing information to

1 the Department.

2 (b) Violations of this Act or of its rules adopted
3 under this Act.

4 (c) Conviction by plea of guilty or nolo contendere,
5 finding of guilt, jury verdict, or entry of judgment or by
6 sentencing of any crime, including, but not limited to,
7 convictions, preceding sentences of supervision,
8 conditional discharge, or first offender probation, under
9 the laws of any jurisdiction of the United States (i) that
10 is a felony or (ii) that is a misdemeanor, an essential
11 element of which is dishonesty, or that is directly related
12 to the practice of the profession ~~Conviction of any crime~~
13 ~~under the laws of the United States or any state or~~
14 ~~territory thereof that is (i) a felony; (ii) a misdemeanor,~~
15 ~~an essential element of which is dishonesty; or (iii) a~~
16 ~~crime that is directly related to the practice of the~~
17 ~~profession.~~

18 (d) Fraud or Making any misrepresentation in applying
19 for or procuring a license under this Act or in connection
20 with applying for renewal of a license under this Act ~~for~~
21 ~~the purpose of obtaining licensure or violating any~~
22 ~~provision of this Act.~~

23 (e) Professional incompetence or gross negligence.

24 (f) Malpractice.

25 (g) Aiding or assisting another person in violating any
26 provision of this Act or its rules.

1 (h) Failing to provide information within 60 days in
2 response to a written request made by the Department.

3 (i) Engaging in dishonorable, unethical or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public.

6 (j) Habitual or excessive use or abuse of drugs defined
7 in law as controlled substances, alcohol ~~addiction to~~
8 ~~alcohol, narcotics, stimulants,~~ or any other substance
9 that ~~chemical agent or drug that~~ results in the inability
10 to practice with reasonable judgment, skill, or safety.

11 (k) Discipline by another state, the District of
12 Columbia, territory, ~~or~~ country, or governmental agency if
13 at least one of the grounds for the discipline is the same
14 or substantially equivalent to those set forth in this Act.

15 (l) Charging for professional services not rendered,
16 including filing false statements for the collection of
17 fees for which services are not rendered ~~Directly or~~
18 ~~indirectly giving to or receiving from any person, firm,~~
19 ~~corporation, partnership, or association any fee,~~
20 ~~commission, rebate, or other form of compensation for any~~
21 ~~professional services not actually or personally rendered.~~

22 Nothing in this paragraph (l) affects any bona fide
23 independent contractor or employment arrangements among
24 health care professionals, health facilities, health care
25 providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the licensee's practice under this Act.
4 Nothing in this paragraph (1) shall be construed to require
5 an employment arrangement to receive professional fees for
6 services rendered.

7 (m) A finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status, has violated the terms of probation.

10 (n) Willfully making or filing false records or reports
11 in his or her practice, including, but not limited to,
12 false records filed with State agencies or departments
13 ~~Conviction by any court of competent jurisdiction, either~~
14 ~~within or outside this State, of any violation of any law~~
15 ~~governing the practice of dietetics or nutrition~~
16 ~~counseling, if the Department determines, after~~
17 ~~investigation, that the person has not been sufficiently~~
18 ~~rehabilitated to warrant the public trust.~~

19 (o) Allowing one's license under this Act to be used by
20 an unlicensed person in violation of this Act ~~A finding~~
21 ~~that licensure has been applied for or obtained by~~
22 ~~fraudulent means.~~

23 (p) Practicing under a false or, except as provided by
24 law, an assumed name ~~or attempting to practice under a name~~
25 ~~other than the full name as shown on the license or any~~
26 ~~other legally authorized name.~~

1 (q) Gross and willful overcharging for professional
2 services ~~including filing statements for collection of~~
3 ~~fees or monies for which services are not rendered.~~

4 (r) (Blank). ~~Failure to (i) file a return, (ii) pay the~~
5 ~~tax, penalty or interest shown in a filed return, or (iii)~~
6 ~~pay any final assessment of tax, penalty or interest, as~~
7 ~~required by any tax Act administered by the Illinois~~
8 ~~Department of Revenue, until the requirements of any such~~
9 ~~tax Act are satisfied.~~

10 (s) Willfully failing to report an instance of
11 suspected child abuse or neglect as required by the Abused
12 and Neglected Child Reporting Act.

13 (t) Cheating on or attempting to subvert a licensing
14 examination administered under this Act.

15 (u) Mental illness or disability that results in the
16 inability to practice under this Act with reasonable
17 judgment, skill, or safety.

18 (v) Physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skill that results in a licensee's inability to practice
21 under this Act with reasonable judgment, skill, or safety.

22 (2) The Department may refuse to issue or may suspend
23 without hearing, as provided for in the Code of Civil
24 Procedure, the license of any person who fails to file a
25 return, or pay the tax, penalty, or interest shown in a filed
26 return, or pay any final assessment of the tax, penalty, or

1 interest as required by any tax Act administered by the
2 Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied in accordance
4 with subsection (g) of Section 2105-15 of the Civil
5 Administrative Code of Illinois.

6 (3) The Department shall deny a license or renewal
7 authorized by this Act to a person who has defaulted on an
8 educational loan or scholarship provided or guaranteed by the
9 Illinois Student Assistance Commission or any governmental
10 agency of this State in accordance with item (5) of subsection
11 (a) of Section 2105-15 of the Civil Administrative Code of
12 Illinois.

13 (4) In cases where the Department of Healthcare and Family
14 Services has previously determined a licensee or a potential
15 licensee is more than 30 days delinquent in the payment of
16 child support and has subsequently certified the delinquency to
17 the Department, the Department may refuse to issue or renew or
18 may revoke or suspend that person's license or may take other
19 disciplinary action against that person based solely upon the
20 certification of delinquency made by the Department of
21 Healthcare and Family Services in accordance with item (5) of
22 subsection (a) of Section 1205-15 of the Civil Administrative
23 Code of Illinois.

24 (5) The determination by a circuit court that a licensee is
25 subject to involuntary admission or judicial admission, as
26 provided in the Mental Health and Developmental Disabilities

1 Code, operates as an automatic suspension. The suspension shall
2 end only upon a finding by a court that the patient is no
3 longer subject to involuntary admission or judicial admission
4 and the issuance of an order so finding and discharging the
5 patient.

6 (6) In enforcing this Act, the Department, upon a showing
7 of a possible violation, may compel an individual licensed to
8 practice under this Act, or who has applied for licensure under
9 this Act, to submit to a mental or physical examination, or
10 both, as required by and at the expense of the Department. The
11 Department may order the examining physician to present
12 testimony concerning the mental or physical examination of the
13 licensee or applicant. No information shall be excluded by
14 reason of any common law or statutory privilege relating to
15 communications between the licensee or applicant and the
16 examining physician. The examining physicians shall be
17 specifically designated by the Department. The individual to be
18 examined may have, at his or her own expense, another physician
19 of his or her choice present during all aspects of this
20 examination. The examination shall be performed by a physician
21 licensed to practice medicine in all its branches. Failure of
22 an individual to submit to a mental or physical examination,
23 when directed, shall result in an automatic suspension without
24 hearing.

25 A person holding a license under this Act or who has
26 applied for a license under this Act who, because of a physical

1 or mental illness or disability, including, but not limited to,
2 deterioration through the aging process or loss of motor skill,
3 is unable to practice the profession with reasonable judgment,
4 skill, or safety, may be required by the Department to submit
5 to care, counseling, or treatment by physicians approved or
6 designated by the Department as a condition, term, or
7 restriction for continued, reinstated, or renewed licensure to
8 practice. Submission to care, counseling, or treatment as
9 required by the Department shall not be considered discipline
10 of a license. If the licensee refuses to enter into a care,
11 counseling, or treatment agreement or fails to abide by the
12 terms of the agreement, then the Department may file a
13 complaint to revoke, suspend, or otherwise discipline the
14 license of the individual. The Secretary may order the license
15 suspended immediately, pending a hearing by the Department.
16 Fines shall not be assessed in disciplinary actions involving
17 physical or mental illness or impairment.

18 In instances in which the Secretary immediately suspends a
19 person's license under this Section, a hearing on that person's
20 license must be convened by the Department within 15 days after
21 the suspension and completed without appreciable delay. The
22 Department shall have the authority to review the subject
23 individual's record of treatment and counseling regarding the
24 impairment to the extent permitted by applicable federal
25 statutes and regulations safeguarding the confidentiality of
26 medical records.

1 An individual licensed under this Act and affected under
2 this Section shall be afforded an opportunity to demonstrate to
3 the Department that he or she can resume practice in compliance
4 with acceptable and prevailing standards under the provisions
5 of his or her license.

6 ~~(2) In enforcing this Section, the Board, upon a showing of~~
7 ~~a possible violation, may compel a licensee or applicant to~~
8 ~~submit to a mental or physical examination, or both, as~~
9 ~~required by and at the expense of the Department. The examining~~
10 ~~physician shall be specifically designated by the Board. The~~
11 ~~Board or the Department may order the examining physician to~~
12 ~~present testimony concerning the mental or physical~~
13 ~~examination of a licensee or applicant. No information may be~~
14 ~~excluded by reason of any common law or statutory privilege~~
15 ~~relating to communications between a licensee or applicant and~~
16 ~~the examining physician. An individual to be examined may have,~~
17 ~~at his or her own expense, another physician of his or her~~
18 ~~choice present during all aspects of the examination. Failure~~
19 ~~of an individual to submit to a mental or physical examination,~~
20 ~~when directed, is grounds for suspension of his or her license.~~
21 ~~The license must remain suspended until the time that the~~
22 ~~individual submits to the examination or the Board finds, after~~
23 ~~notice and a hearing, that the refusal to submit to the~~
24 ~~examination was with reasonable cause. If the Board finds that~~
25 ~~an individual is unable to practice because of the reasons set~~
26 ~~forth in this Section, the Board must require the individual to~~

1 ~~submit to care, counseling, or treatment by a physician~~
2 ~~approved by the Board, as a condition, term, or restriction for~~
3 ~~continued, reinstated, or renewed licensure to practice. In~~
4 ~~lieu of care, counseling, or treatment, the Board may recommend~~
5 ~~that the Department file a complaint to immediately suspend or~~
6 ~~revoke the license of the individual or otherwise discipline~~
7 ~~him or her. Any individual whose license was granted,~~
8 ~~continued, reinstated, or renewed subject to conditions,~~
9 ~~terms, or restrictions, as provided for in this Section, or any~~
10 ~~individual who was disciplined or placed on supervision~~
11 ~~pursuant to this Section must be referred to the Director for a~~
12 ~~determination as to whether the individual shall have his or~~
13 ~~her license suspended immediately, pending a hearing by the~~
14 ~~Board.~~

15 ~~The Department shall deny any license or renewal under this~~
16 ~~Act to any person who has defaulted on an educational loan~~
17 ~~guaranteed by the Illinois Student Assistance Commission;~~
18 ~~however, the Department may issue a license or renewal if the~~
19 ~~person in default has established a satisfactory repayment~~
20 ~~record as determined by the Illinois Student Assistance~~
21 ~~Commission.~~

22 ~~The determination by a circuit court that a registrant is~~
23 ~~subject to involuntary admission or judicial admission as~~
24 ~~provided in the Mental Health and Developmental Disabilities~~
25 ~~Code operates as an automatic suspension. This suspension will~~
26 ~~end only upon a finding by a court that the patient is no~~

1 ~~longer subject to involuntary admission or judicial admission,~~
2 ~~the issuance of an order so finding and discharging the~~
3 ~~patient, and the recommendation of the Board to the Director~~
4 ~~that the registrant be allowed to resume practice.~~

5 (Source: P.A. 96-1482, eff. 11-29-10.)

6 (225 ILCS 30/97) (from Ch. 111, par. 8401-97)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 97. Payments; penalty for insufficient funds. Any
9 person who delivers a check or other payment to the Department
10 that is returned to the Department unpaid by the financial
11 institution upon which it is drawn shall pay to the Department,
12 in addition to the amount already owed to the Department, a
13 fine of \$50. The fines imposed by this Section are in addition
14 to any other discipline provided under this Act for unlicensed
15 practice or practice on a nonrenewed license. The Department
16 shall notify the person that payment of fees and fines shall be
17 paid to the Department by certified check or money order within
18 30 calendar days of the notification. If, after the expiration
19 of 30 days from the date of the notification, the person has
20 failed to submit the necessary remittance, the Department shall
21 automatically terminate the license or certificate or deny the
22 application, without hearing. If, after termination or denial,
23 the person seeks a license or certificate, he or she shall
24 apply to the Department for restoration or issuance of the
25 license or certificate and pay all fees and fines due to the

1 Department. The Department may establish a fee for the
2 processing of an application for restoration of a license or
3 certificate to pay all expenses of processing this application.
4 The Secretary ~~Director~~ may waive the fines due under this
5 Section in individual cases where the Secretary ~~Director~~ finds
6 that the fines would be unreasonable or unnecessarily
7 burdensome.

8 (Source: P.A. 92-146, eff. 1-1-02.)

9 (225 ILCS 30/100) (from Ch. 111, par. 8401-100)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 100. Injunctions; cease and desist orders.

12 (a) If any person violates a provision of this Act, the
13 Secretary ~~Director~~ may, in the name of the People of the State
14 of Illinois through the Attorney General of the State of
15 Illinois or the State's Attorney of the county in which the
16 violation is alleged to have occurred, petition for an order
17 enjoining the violation or for an order enforcing compliance
18 with this Act. Upon the filing of a verified petition, the
19 court may issue a temporary restraining order, without notice
20 or bond, and may preliminarily and permanently enjoin the
21 violation. If it is established that the person has violated or
22 is violating the injunction, the Court may punish the offender
23 for contempt of court. Proceedings under this Section shall be
24 in addition to, and not in lieu of, all other remedies and
25 penalties provided by this Act.

1 (b) If any person practices as a dietitian nutritionist
2 ~~dietitian or nutrition counselor~~ or holds himself or herself
3 out as such without having a valid license under this Act, then
4 any licensee, any interested party, or any person injured
5 thereby may, in addition to the Secretary ~~Director~~, petition
6 for relief as provided in subsection (a) of this Section.

7 (c) Whenever in the opinion of the Department any person
8 violates any provision of this Act, the Department may issue a
9 rule to show cause why an order to cease and desist should be
10 entered against him or her. The rule shall clearly set forth
11 the grounds relied upon the Department and shall provide a
12 period of 7 days from the date of the rule to file an answer to
13 the satisfaction of the Department. Failure to answer to the
14 satisfaction of the Department shall cause in order to cease
15 and desist to be issued immediately.

16 (Source: P.A. 87-784.)

17 (225 ILCS 30/105) (from Ch. 111, par. 8401-105)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 105. Investigation; notice and hearing. The
20 Department may investigate the actions or qualifications of any
21 applicant or of any person or persons holding or claiming to
22 hold a license or certificate of registration. The Department
23 shall, before refusing to issue or renew a license or to
24 discipline a licensee under Section 95 ~~before suspending,~~
25 ~~revoking, placing on probationary status, or taking any other~~

1 ~~disciplinary action as the Department may deem proper with~~
2 ~~regard to any license or certificate of registration,~~ at least
3 30 days before the date set for the hearing, (i) notify the
4 accused in writing of any charges made and the time and place
5 for a hearing of the charges before the Board, (ii) direct him
6 or her to file his or her written answer to the charges with
7 the Board under oath within 20 days after the service ~~on him or~~
8 ~~her~~ of the such notice, and (iii) inform the applicant or
9 licensee ~~him or her~~ that failure if he or she fails to file an
10 answer shall result in, default being ~~will be~~ taken against the
11 applicant or licensee. At the time and place fixed in the
12 notice, the Department shall proceed to hear the charges and
13 the parties or their counsel shall be accorded ample
14 opportunity to present any pertinent statements, testimony,
15 evidence, and arguments. The Department may continue the
16 hearing from time to time. In case the person, after receiving
17 the notice, fails to file an answer, his or her license, may,
18 in the discretion of the Department, be revoked, suspended, or
19 placed on probationary status or the Department may take
20 whatever disciplinary action considered proper, including
21 limiting the scope, nature, or extent of the person's practice
22 or the imposition of a fine, without a hearing, if the act or
23 acts charged constitute sufficient grounds for that action
24 under the Act. The written notice and any notice in the
25 subsequent proceeding may be served by registered or certified
26 mail to the licensee's address of record. ~~him or her and his or~~

1 ~~her license or certificate of registration may be suspended,~~
2 ~~revoked, placed on probationary status, or other disciplinary~~
3 ~~action may be taken with regard to the license or certificate,~~
4 ~~including limiting the scope, nature or extent of his or her~~
5 ~~practice, as the Department may deem proper. In case the~~
6 ~~person, after receiving notice, fails to file an answer, his or~~
7 ~~her license or certificate may, in the discretion of the~~
8 ~~Department, be suspended, revoked, or placed on probationary~~
9 ~~status, or the Department may take whatever disciplinary action~~
10 ~~deemed proper, including limiting the scope, nature, or extent~~
11 ~~of the person's practice or the imposition of a fine, without a~~
12 ~~hearing, if the act or acts charged constitute sufficient~~
13 ~~grounds for such action under this Act.~~

14 ~~This written notice and any notice in the subsequent~~
15 ~~proceedings may be served by personal delivery to the accused~~
16 ~~person, or by registered or certified mail to the address last~~
17 ~~specified by the accused in his or her last notification to the~~
18 ~~Department. The written answer shall be served by personal~~
19 ~~delivery, certified delivery, or certified or registered mail~~
20 ~~to the Department. At the time and place fixed in the notice,~~
21 ~~the Department shall proceed to hear the charges and the~~
22 ~~parties or their counsel shall be accorded ample opportunity to~~
23 ~~present such statements, testimony, evidence, and argument as~~
24 ~~may be pertinent to the charges or to the defense thereto. The~~
25 ~~Department may continue such hearing from time to time. At the~~
26 ~~discretion of the Director after having first received the~~

1 ~~recommendation of the Board, the accused person's certificate~~
2 ~~of registration may be suspended or revoked, if the evidence~~
3 ~~constitutes sufficient grounds for such action under this Act.~~

4 (Source: P.A. 87-784; 87-1000; 87-1031; 88-45.)

5 (225 ILCS 30/108 new)

6 Sec. 108. Confidentiality. All information collected by
7 the Department in the course of an examination or investigation
8 of a licensee or applicant, including, but not limited to, any
9 complaint against a licensee filed with the Department and
10 information collected to investigate any such complaint, shall
11 be maintained for the confidential use of the Department and
12 shall not be disclosed. The Department may not disclose the
13 information to anyone other than law enforcement officials,
14 other regulatory agencies that have an appropriate regulatory
15 interest as determined by the Secretary, or a party presenting
16 a lawful subpoena to the Department. Information and documents
17 disclosed to a federal, State, county, or local law enforcement
18 agency shall not be disclosed by the agency for any purpose to
19 any other agency or person. A formal complaint filed against a
20 licensee by the Department or any order issued by the
21 Department against a licensee or applicant shall be a public
22 record, except as otherwise prohibited by law.

23 (225 ILCS 30/110) (from Ch. 111, par. 8401-110)

24 (Section scheduled to be repealed on January 1, 2013)

1 Sec. 110. Record of hearing. The Department, at its
2 expense, shall preserve a record of all proceedings at the
3 formal hearing of any case. The notice of hearing, complaint,
4 and other documents in the nature of pleadings and written
5 motions filed in the proceedings, the transcript of testimony,
6 the report of the Board, and orders of the Department shall be
7 in the record of the proceedings. ~~The Department shall furnish~~
8 ~~a transcript of the record to any person interested in the~~
9 ~~hearing upon payment of the fee required under Section 2105-115~~
10 ~~of the Department of Professional Regulation Law (20 ILCS~~
11 ~~2105/2105-115).~~

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (225 ILCS 30/115) (from Ch. 111, par. 8401-115)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 115. Subpoenas; oaths; attendance of witnesses.

16 (a) The Department may ~~shall have the power to~~ subpoena and
17 ~~to~~ bring before it any person ~~and~~ to take the oral or written
18 testimony or compel the production of any books, papers,
19 records, or any other documents that the Secretary or his or
20 her designee deems relevant or material to any investigation or
21 hearing conducted by the Department ~~either orally or by~~
22 ~~deposition, or both,~~ with the same fees and mileage and in the
23 same manner as prescribed in civil cases in the courts of this
24 State.

25 (b) The Secretary ~~Director,~~ the ~~designated~~ hearing

1 officer, any and every member of the Board, or a certified
2 shorthand court reporter may ~~shall have power to~~ administer
3 oaths ~~to witnesses~~ at any hearing that the Department conducts
4 ~~is authorized to conduct and any other oaths authorized in any~~
5 ~~Act administered by the Department.~~ Notwithstanding any other
6 statute or Department rule to the contrary, all requests for
7 testimony, production of documents, or records shall be in
8 accordance with this Act.

9 (c) Any circuit court ~~may,~~ upon application of the
10 Department or ~~designee or of the applicant, licensee, or person~~
11 ~~holding a license against whom proceedings under this Act are~~
12 ~~pending,~~ may enter an order requiring the attendance and
13 testimony of witnesses ~~and their testimony,~~ and the production
14 of relevant documents, papers, files, books and records in
15 connection with any hearing or investigations. The court may
16 compel obedience to its order by proceedings for contempt.

17 (Source: P.A. 87-784; 87-1000.)

18 (225 ILCS 30/120) (from Ch. 111, par. 8401-120)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 120. Board report. At the conclusion of the hearing,
21 the Board shall present to the Secretary ~~Director~~ a written
22 report of its findings of fact, conclusions of law, and
23 recommendations. The report shall contain a finding whether or
24 not the accused person violated this Act or failed to comply
25 with the conditions required in this Act. The Board shall

1 specify the nature of the violation or failure to comply and
2 shall make its recommendations to the Secretary ~~Director~~.

3 The report of findings of fact, conclusions of law and
4 recommendation of the Board shall be the basis for the
5 Department's order for refusing to issue, restore, or renew a
6 license or otherwise disciplining a licensee ~~refusal or for the~~
7 ~~granting of a license~~. If the Secretary ~~Director~~ disagrees in
8 any regard with the report of the Board, the Secretary ~~Director~~
9 may issue an order in contravention of the report. ~~The Director~~
10 ~~shall provide a written report to the Board on any deviation~~
11 ~~and shall specify with particularity the reasons for that~~
12 ~~action in the final order~~. The finding is not admissible in
13 evidence against the person in a criminal prosecution brought
14 for the violation of this Act, but the hearing and finding is
15 not a bar to a criminal prosecution brought for the violation
16 of this Act.

17 (Source: P.A. 87-784.)

18 (225 ILCS 30/125) (from Ch. 111, par. 8401-125)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 125. Motion for rehearing. In any hearing involving
21 the refusal to issue or renew or the discipline of a licensee,
22 a copy of the Board's report shall be served upon the
23 respondent by the Department, either personally or as provided
24 in this Act for the service of the notice of hearing. Within 20
25 calendar days after the service, the respondent may present to

1 the Department a motion in writing for a rehearing which shall
2 specify the particular grounds for rehearing. If no motion for
3 rehearing is filed, then upon the expiration of the time
4 specified for filing a motion, or if motion for rehearing is
5 denied, then upon denial, the Secretary ~~Director~~ may enter an
6 order in accordance with recommendations of the Board, except
7 as provided for in Section 120. If the respondent orders a
8 transcript of the record from the reporting service and pays
9 for it within the time for filing a motion for rehearing, the
10 20 calendar day period within which a motion for rehearing may
11 be filed shall commence upon the delivery of the transcript to
12 the respondent.

13 (Source: P.A. 87-784; 87-1000.)

14 (225 ILCS 30/130) (from Ch. 111, par. 8401-130)

15 (Section scheduled to be repealed on January 1, 2013)

16 Sec. 130. Order for rehearing ~~Rehearing~~. Whenever the
17 Secretary ~~Director~~ is not satisfied that substantial justice
18 has been done in the revocation, suspension, or refusal to
19 issue or renew a license the Secretary ~~Director~~ may order a
20 rehearing by the same or other hearing officers ~~examiners~~.

21 (Source: P.A. 87-784.)

22 (225 ILCS 30/135) (from Ch. 111, par. 8401-135)

23 (Section scheduled to be repealed on January 1, 2013)

24 Sec. 135. Hearing officer. The Secretary ~~Director~~ shall

1 have the authority to appoint any attorney duly licensed to
2 practice law in the State of Illinois to serve as the hearing
3 officer in any action for refusal to issue or renew a license
4 or to discipline a licensee or person holding a license. The
5 hearing officer shall have full authority to conduct the
6 hearing. The hearing officer shall report his or her findings
7 and recommendations to the Board and the Secretary ~~Director~~.
8 The Board shall have 60 calendar days from receipt of the
9 report to review the report of the hearing officer and present
10 its findings of fact, conclusions of law, and recommendations
11 to the Secretary ~~Director~~. If the Board fails to present its
12 report within the 60 calendar day period, the Secretary
13 ~~Director~~ may issue an order based on the report of the hearing
14 officer. If the Secretary ~~Director~~ disagrees with the
15 recommendation of the Board or of the hearing officer, the
16 Secretary ~~Director~~ may issue an order in contravention of the
17 recommendation.

18 (Source: P.A. 87-784; 87-1000.)

19 (225 ILCS 30/140) (from Ch. 111, par. 8401-140)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 140. Order; certified copy. An order or a certified
22 copy of an order, over the seal of the Department and
23 purporting to be signed by the Secretary ~~Director~~, shall be
24 prima facie proof:

25 (a) that the signature is the genuine signature of the

1 Secretary Director; and

2 (b) that the Secretary Director is duly appointed and
3 qualified. ~~;~~ and

4 ~~(c) that the Board and the Board members are qualified.~~

5 (Source: P.A. 87-784.)

6 (225 ILCS 30/145) (from Ch. 111, par. 8401-145)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 145. Restoration of license from discipline. At any
9 time after the successful completion of a term of indefinite
10 probation, suspension, or revocation of a license, the
11 Department may restore the license to the licensee, unless,
12 after an investigation and a hearing, the Secretary determines
13 that restoration is not in the public interest or that the
14 licensee has not been sufficiently rehabilitated to warrant the
15 public trust. No person or entity whose license, certificate,
16 or authority has been revoked as authorized in this Act may
17 apply for restoration of that license, certification, or
18 authority until such time as provided for in the Civil
19 Administrative Code of Illinois. ~~suspension or revocation of~~
20 ~~any license, the Department may restore the license to the~~
21 ~~accused person upon the written recommendation of the Board,~~
22 ~~unless after an investigation and a hearing the Board~~
23 ~~determines that restoration is not in the public interest.~~

24 (Source: P.A. 87-784.)

1 (225 ILCS 30/155) (from Ch. 111, par. 8401-155)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 155. Summary suspension. The Secretary ~~Director~~ may
4 summarily suspend the license of a licensee ~~dietitian or~~
5 ~~nutrition counselor~~ without a hearing, simultaneously with the
6 institution of proceedings for a hearing provided for in
7 Section 105 of this Act, if the Secretary ~~Director~~ finds that
8 the evidence ~~in his or her possession~~ indicates that a
9 licensee's continuation in practice would constitute an
10 imminent danger to the public. In the event that the Secretary
11 ~~Director~~ summarily suspends the license ~~of a dietitian or~~
12 ~~nutrition counselor~~ without a hearing, a hearing shall ~~by the~~
13 ~~Board must~~ be commenced ~~held~~ within 30 ~~calendar~~ days after the
14 suspension has occurred and shall be concluded as expeditiously
15 as possible.

16 (Source: P.A. 87-784; 87-1000.)

17 (225 ILCS 30/165) (from Ch. 111, par. 8401-165)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 165. Certification of record; receipt. The Department
20 shall not be required to certify any record to the Court or
21 file any answer in court or otherwise appear in any court in a
22 judicial review proceeding, unless and until the Department has
23 received from the plaintiff ~~there is filed in the court, with~~
24 ~~the complaint, a receipt from the Department acknowledging~~
25 payment of the costs of furnishing and certifying the record, l

1 which costs shall be determined by the Department. Exhibits
2 shall be certified without cost. Failure on the part of the
3 plaintiff to file a receipt in Court is ~~shall be~~ grounds for
4 dismissal of the action.

5 (Source: P.A. 87-784.)

6 (225 ILCS 30/175) (from Ch. 111, par. 8401-175)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 175. Illinois Administrative Procedure Act. The
9 Illinois Administrative Procedure Act is expressly adopted and
10 incorporated as if all of the provisions of that Act were
11 included in this Act, except that the provision of paragraph
12 (d) of Section 10-65 of the Illinois Administrative Procedure
13 Act, which provides that at hearings the licensee or person
14 holding a license has the right to show compliance with all
15 lawful requirements for retention or continuation of the
16 license, is specifically excluded. For the purpose of this Act,
17 the notice required under Section 10-25 of the Illinois
18 Administrative Procedure Act is deemed sufficient when mailed
19 to the last known address of record of a party.

20 (Source: P.A. 87-784; 88-670, eff. 12-2-94.)

21 (225 ILCS 30/180) (from Ch. 111, par. 8401-180)

22 (Section scheduled to be repealed on January 1, 2013)

23 Sec. 180. Home rule. The regulation and licensing of
24 dietitian nutritionists ~~dietitians and nutrition counselors~~

1 are exclusive functions of the State. A home rule unit may not
2 regulate or license dietitian nutritionists ~~dietitians or~~
3 ~~nutrition counselors~~. This Section is a limitation and denial
4 of home rule powers under paragraph (h) of Section 6 of Article
5 VII of the Illinois Constitution.

6 (Source: P.A. 87-784.)

7 (225 ILCS 30/56 rep.)

8 (225 ILCS 30/87 rep.)

9 Section 6. The Dietetic and Nutrition Services Practice Act
10 is amended by repealing Sections 56 and 87.

11 Section 8. The Elder Abuse and Neglect Act is amended by
12 changing Section 2 as follows:

13 (320 ILCS 20/2) (from Ch. 23, par. 6602)

14 Sec. 2. Definitions. As used in this Act, unless the
15 context requires otherwise:

16 (a) "Abuse" means causing any physical, mental or sexual
17 injury to an eligible adult, including exploitation of such
18 adult's financial resources.

19 Nothing in this Act shall be construed to mean that an
20 eligible adult is a victim of abuse, neglect, or self-neglect
21 for the sole reason that he or she is being furnished with or
22 relies upon treatment by spiritual means through prayer alone,
23 in accordance with the tenets and practices of a recognized

1 church or religious denomination.

2 Nothing in this Act shall be construed to mean that an
3 eligible adult is a victim of abuse because of health care
4 services provided or not provided by licensed health care
5 professionals.

6 (a-5) "Abuser" means a person who abuses, neglects, or
7 financially exploits an eligible adult.

8 (a-7) "Caregiver" means a person who either as a result of
9 a family relationship, voluntarily, or in exchange for
10 compensation has assumed responsibility for all or a portion of
11 the care of an eligible adult who needs assistance with
12 activities of daily living.

13 (b) "Department" means the Department on Aging of the State
14 of Illinois.

15 (c) "Director" means the Director of the Department.

16 (d) "Domestic living situation" means a residence where the
17 eligible adult at the time of the report lives alone or with
18 his or her family or a caregiver, or others, or a board and
19 care home or other community-based unlicensed facility, but is
20 not:

21 (1) A licensed facility as defined in Section 1-113 of
22 the Nursing Home Care Act;

23 (1.5) A facility licensed under the ID/DD Community
24 Care Act;

25 (1.7) A facility licensed under the Specialized Mental
26 Health Rehabilitation Act;

1 (2) A "life care facility" as defined in the Life Care
2 Facilities Act;

3 (3) A home, institution, or other place operated by the
4 federal government or agency thereof or by the State of
5 Illinois;

6 (4) A hospital, sanitarium, or other institution, the
7 principal activity or business of which is the diagnosis,
8 care, and treatment of human illness through the
9 maintenance and operation of organized facilities
10 therefor, which is required to be licensed under the
11 Hospital Licensing Act;

12 (5) A "community living facility" as defined in the
13 Community Living Facilities Licensing Act;

14 (6) (Blank);

15 (7) A "community-integrated living arrangement" as
16 defined in the Community-Integrated Living Arrangements
17 Licensure and Certification Act;

18 (8) An assisted living or shared housing establishment
19 as defined in the Assisted Living and Shared Housing Act;
20 or

21 (9) A supportive living facility as described in
22 Section 5-5.01a of the Illinois Public Aid Code.

23 (e) "Eligible adult" means a person 60 years of age or
24 older who resides in a domestic living situation and is, or is
25 alleged to be, abused, neglected, or financially exploited by
26 another individual or who neglects himself or herself.

1 (f) "Emergency" means a situation in which an eligible
2 adult is living in conditions presenting a risk of death or
3 physical, mental or sexual injury and the provider agency has
4 reason to believe the eligible adult is unable to consent to
5 services which would alleviate that risk.

6 (f-5) "Mandated reporter" means any of the following
7 persons while engaged in carrying out their professional
8 duties:

9 (1) a professional or professional's delegate while
10 engaged in: (i) social services, (ii) law enforcement,
11 (iii) education, (iv) the care of an eligible adult or
12 eligible adults, or (v) any of the occupations required to
13 be licensed under the Clinical Psychologist Licensing Act,
14 the Clinical Social Work and Social Work Practice Act, the
15 Illinois Dental Practice Act, the Dietitian Nutritionist
16 ~~the Dietetic and Nutrition Services~~ Practice Act, the
17 Marriage and Family Therapy Licensing Act, the Medical
18 Practice Act of 1987, the Naprapathic Practice Act, the
19 Nurse Practice Act, the Nursing Home Administrators
20 Licensing and Disciplinary Act, the Illinois Occupational
21 Therapy Practice Act, the Illinois Optometric Practice Act
22 of 1987, the Pharmacy Practice Act, the Illinois Physical
23 Therapy Act, the Physician Assistant Practice Act of 1987,
24 the Podiatric Medical Practice Act of 1987, the Respiratory
25 Care Practice Act, the Professional Counselor and Clinical
26 Professional Counselor Licensing and Practice Act, the

1 Illinois Speech-Language Pathology and Audiology Practice
2 Act, the Veterinary Medicine and Surgery Practice Act of
3 2004, and the Illinois Public Accounting Act;

4 (2) an employee of a vocational rehabilitation
5 facility prescribed or supervised by the Department of
6 Human Services;

7 (3) an administrator, employee, or person providing
8 services in or through an unlicensed community based
9 facility;

10 (4) any religious practitioner who provides treatment
11 by prayer or spiritual means alone in accordance with the
12 tenets and practices of a recognized church or religious
13 denomination, except as to information received in any
14 confession or sacred communication enjoined by the
15 discipline of the religious denomination to be held
16 confidential;

17 (5) field personnel of the Department of Healthcare and
18 Family Services, Department of Public Health, and
19 Department of Human Services, and any county or municipal
20 health department;

21 (6) personnel of the Department of Human Services, the
22 Guardianship and Advocacy Commission, the State Fire
23 Marshal, local fire departments, the Department on Aging
24 and its subsidiary Area Agencies on Aging and provider
25 agencies, and the Office of State Long Term Care Ombudsman;

26 (7) any employee of the State of Illinois not otherwise

1 specified herein who is involved in providing services to
2 eligible adults, including professionals providing medical
3 or rehabilitation services and all other persons having
4 direct contact with eligible adults;

5 (8) a person who performs the duties of a coroner or
6 medical examiner; or

7 (9) a person who performs the duties of a paramedic or
8 an emergency medical technician.

9 (g) "Neglect" means another individual's failure to
10 provide an eligible adult with or willful withholding from an
11 eligible adult the necessities of life including, but not
12 limited to, food, clothing, shelter or health care. This
13 subsection does not create any new affirmative duty to provide
14 support to eligible adults. Nothing in this Act shall be
15 construed to mean that an eligible adult is a victim of neglect
16 because of health care services provided or not provided by
17 licensed health care professionals.

18 (h) "Provider agency" means any public or nonprofit agency
19 in a planning and service area appointed by the regional
20 administrative agency with prior approval by the Department on
21 Aging to receive and assess reports of alleged or suspected
22 abuse, neglect, or financial exploitation.

23 (i) "Regional administrative agency" means any public or
24 nonprofit agency in a planning and service area so designated
25 by the Department, provided that the designated Area Agency on
26 Aging shall be designated the regional administrative agency if

1 it so requests. The Department shall assume the functions of
2 the regional administrative agency for any planning and service
3 area where another agency is not so designated.

4 (i-5) "Self-neglect" means a condition that is the result
5 of an eligible adult's inability, due to physical or mental
6 impairments, or both, or a diminished capacity, to perform
7 essential self-care tasks that substantially threaten his or
8 her own health, including: providing essential food, clothing,
9 shelter, and health care; and obtaining goods and services
10 necessary to maintain physical health, mental health,
11 emotional well-being, and general safety. The term includes
12 compulsive hoarding, which is characterized by the acquisition
13 and retention of large quantities of items and materials that
14 produce an extensively cluttered living space, which
15 significantly impairs the performance of essential self-care
16 tasks or otherwise substantially threatens life or safety.

17 (j) "Substantiated case" means a reported case of alleged
18 or suspected abuse, neglect, financial exploitation, or
19 self-neglect in which a provider agency, after assessment,
20 determines that there is reason to believe abuse, neglect, or
21 financial exploitation has occurred.

22 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,
23 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,
24 eff. 1-1-12; 97-300, eff. 8-11-11; 97-706, eff. 6-25-12;
25 97-813, eff. 7-13-12.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Section 5-5-5 as follows:

3 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

4 Sec. 5-5-5. Loss and Restoration of Rights.

5 (a) Conviction and disposition shall not entail the loss by
6 the defendant of any civil rights, except under this Section
7 and Sections 29-6 and 29-10 of The Election Code, as now or
8 hereafter amended.

9 (b) A person convicted of a felony shall be ineligible to
10 hold an office created by the Constitution of this State until
11 the completion of his sentence.

12 (c) A person sentenced to imprisonment shall lose his right
13 to vote until released from imprisonment.

14 (d) On completion of sentence of imprisonment or upon
15 discharge from probation, conditional discharge or periodic
16 imprisonment, or at any time thereafter, all license rights and
17 privileges granted under the authority of this State which have
18 been revoked or suspended because of conviction of an offense
19 shall be restored unless the authority having jurisdiction of
20 such license rights finds after investigation and hearing that
21 restoration is not in the public interest. This paragraph (d)
22 shall not apply to the suspension or revocation of a license to
23 operate a motor vehicle under the Illinois Vehicle Code.

24 (e) Upon a person's discharge from incarceration or parole,
25 or upon a person's discharge from probation or at any time

1 thereafter, the committing court may enter an order certifying
2 that the sentence has been satisfactorily completed when the
3 court believes it would assist in the rehabilitation of the
4 person and be consistent with the public welfare. Such order
5 may be entered upon the motion of the defendant or the State or
6 upon the court's own motion.

7 (f) Upon entry of the order, the court shall issue to the
8 person in whose favor the order has been entered a certificate
9 stating that his behavior after conviction has warranted the
10 issuance of the order.

11 (g) This Section shall not affect the right of a defendant
12 to collaterally attack his conviction or to rely on it in bar
13 of subsequent proceedings for the same offense.

14 (h) No application for any license specified in subsection
15 (i) of this Section granted under the authority of this State
16 shall be denied by reason of an eligible offender who has
17 obtained a certificate of relief from disabilities, as defined
18 in Article 5.5 of this Chapter, having been previously
19 convicted of one or more criminal offenses, or by reason of a
20 finding of lack of "good moral character" when the finding is
21 based upon the fact that the applicant has previously been
22 convicted of one or more criminal offenses, unless:

23 (1) there is a direct relationship between one or more
24 of the previous criminal offenses and the specific license
25 sought; or

26 (2) the issuance of the license would involve an

1 unreasonable risk to property or to the safety or welfare
2 of specific individuals or the general public.

3 In making such a determination, the licensing agency shall
4 consider the following factors:

5 (1) the public policy of this State, as expressed in
6 Article 5.5 of this Chapter, to encourage the licensure and
7 employment of persons previously convicted of one or more
8 criminal offenses;

9 (2) the specific duties and responsibilities
10 necessarily related to the license being sought;

11 (3) the bearing, if any, the criminal offenses or
12 offenses for which the person was previously convicted will
13 have on his or her fitness or ability to perform one or
14 more such duties and responsibilities;

15 (4) the time which has elapsed since the occurrence of
16 the criminal offense or offenses;

17 (5) the age of the person at the time of occurrence of
18 the criminal offense or offenses;

19 (6) the seriousness of the offense or offenses;

20 (7) any information produced by the person or produced
21 on his or her behalf in regard to his or her rehabilitation
22 and good conduct, including a certificate of relief from
23 disabilities issued to the applicant, which certificate
24 shall create a presumption of rehabilitation in regard to
25 the offense or offenses specified in the certificate; and

26 (8) the legitimate interest of the licensing agency in

1 protecting property, and the safety and welfare of specific
2 individuals or the general public.

3 (i) A certificate of relief from disabilities shall be
4 issued only for a license or certification issued under the
5 following Acts:

6 (1) the Animal Welfare Act; except that a certificate
7 of relief from disabilities may not be granted to provide
8 for the issuance or restoration of a license under the
9 Animal Welfare Act for any person convicted of violating
10 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
11 Care for Animals Act or Section 26-5 or 48-1 of the
12 Criminal Code of 1961;

13 (2) the Illinois Athletic Trainers Practice Act;

14 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
15 and Nail Technology Act of 1985;

16 (4) the Boiler and Pressure Vessel Repairer Regulation
17 Act;

18 (5) the Boxing and Full-contact Martial Arts Act;

19 (6) the Illinois Certified Shorthand Reporters Act of
20 1984;

21 (7) the Illinois Farm Labor Contractor Certification
22 Act;

23 (8) the Interior Design Title Act;

24 (9) the Illinois Professional Land Surveyor Act of
25 1989;

26 (10) the Illinois Landscape Architecture Act of 1989;

- 1 (11) the Marriage and Family Therapy Licensing Act;
- 2 (12) the Private Employment Agency Act;
- 3 (13) the Professional Counselor and Clinical
4 Professional Counselor Licensing and Practice Act;
- 5 (14) the Real Estate License Act of 2000;
- 6 (15) the Illinois Roofing Industry Licensing Act;
- 7 (16) the Professional Engineering Practice Act of
8 1989;
- 9 (17) the Water Well and Pump Installation Contractor's
10 License Act;
- 11 (18) the Electrologist Licensing Act;
- 12 (19) the Auction License Act;
- 13 (20) the Illinois Architecture Practice Act of 1989;
- 14 (21) the Dietitian Nutritionist ~~Dietetic and Nutrition~~
15 ~~Services~~ Practice Act;
- 16 (22) the Environmental Health Practitioner Licensing
17 Act;
- 18 (23) the Funeral Directors and Embalmers Licensing
19 Code;
- 20 (24) the Land Sales Registration Act of 1999;
- 21 (25) the Professional Geologist Licensing Act;
- 22 (26) the Illinois Public Accounting Act; and
- 23 (27) the Structural Engineering Practice Act of 1989.
- 24 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;
25 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".